

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shadman Khan	Team: Squad #12	CCRB Case #: 201907401	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/18/2019 5:00 PM	Location of Incident: § 87(2)(b) § 87(2)(b)	Precinct: 90	18 Mo. SOL 2/18/2021	EO SOL 10/5/2021	
Date/Time CV Reported Tue, 08/20/2019 12:21 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 08/20/2019 12:21 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Marventine Bazelaïs	18270	958300	090 PCT
2. SGT Frederick Manney	04797	949938	090 PCT
3. POF Toniann Groth	16687	957645	C R C
4. POM Michal Jalbrzykowski	21736	959710	090 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Deirdre Collins	00215	965998	090 PCT
2. POM Paul Deguida	09446	961731	090 PCT
3. POM Nicholas Weber	09839	962160	090 PCT
4. POM Joseph Lorenzi	09570	959769	090 PCT
5. POM Antony Martinez	10515	949260	090 PCT
6. POM Jonathan Baez	02411	965942	090 PCT
7. POF Cecely Beniquez	12351	960232	090 PCT
8. POM Philippe Vukosa	22128	953542	090 PCT
9. POM John Wai	18630	931391	090 PCT
10. POM Angelo Martino	23305	964145	090 PCT
11. POM Albino Cazares	07512	965684	090 PCT
12. POM Jonathan Galindosanchez	23267	964005	090 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Marventine Bazelaïs	Abuse: Police Officer Marventine Bazelaïs entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POF Toniann Groth	Abuse: Police Officer Toniann Groth threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.POF Toniann Groth	Abuse: Police Officer Toniann Groth threatened to arrest § 87(2)(b)	§ 87(2)(b)
D.POF Toniann Groth	Abuse: Police Officer Toniann Groth threatened to arrest § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
E.SGT Frederick Manney	Abuse: Sgt. Manney entered § 87(2)(b) § 87(2)(b) in Brooklyn.	
F.SGT Frederick Manney	Abuse: Sergeant Frederick Manney searched § 87(2)(b) § 87(2)(b) in Brooklyn.	
G.POF Toniann Groth	Force: Police Officer Toniann Groth used physical force against § 87(2)(b)	
H.POM Michal Jalbrzykowski	Force: Police Officer Michal Jalbrzykowski pointed a taser against § 87(2)(b)	

Case Summary

On August 20, 2019, § 87(2)(b) made the following complaint on behalf of herself, § 87(2)(b) and § 87(2)(b) the online complaint system.

On August 18, 2019, at approximately 5:15p.m., there was a larceny at § 87(2)(b) in Brooklyn. PO Marventine Bazelais and PO Diedre Collins from the 90th Precinct responded to the location after learning that the suspect, § 87(2)(b) was there. Once they arrived, § 87(2)(b) ran and entered § 87(2)(b) in Brooklyn. PO Bazelais and PO Collins chased § 87(2)(b) toward the building and were granted access inside by a male who informed officers that he saw § 87(2)(b) enter § 87(2)(b) § 87(2)(b).

At approximately 5:20p.m., in front of § 87(2)(b) § 87(2)(b) in Brooklyn, PO Bazelais, PO Collins, PO Joseph Lorenzi, PO Antony Martinez, PO Toniann Groth, and Sgt. Frederick Manney, all from the 90 Precinct, stood outside of the entrance to § 87(2)(b). PO Bazelais asked § 87(2)(b) and § 87(2)(b) to speak to § 87(2)(b) who was seen entering the apartment. PO Bazelais placed his foot in the door (**Allegation A – Abuse of Authority: Entry of Premises, § 87(2)(g)**). § 87(2)(b) responded that they would need a warrant to enter the apartment. PO Groth stated that if they returned with a warrant, then the three occupants would be arrested (**Allegation B – Abuse of Authority: Threat of Arrest, § 87(2)(g)**) (**Allegation C – Abuse of Authority: Threat of Arrest, § 87(2)(g)**) (**Allegation D – Abuse of Authority: Threat of Arrest, § 87(2)(g)**).

PO Bazelais entered the apartment first, followed by Sgt. Manney, and a few other officers (**Allegation E – Abuse of Authority: Entry of Premises, § 87(2)(g)** (**Allegation F – Abuse of Authority: Search of Premises, § 87(2)(g)**). During the entrance, PO Groth grabbed § 87(2)(b) and held on to her while officers entered the apartment (**Allegation F – Force: Physical Force, § 87(2)(g)**). PO Jalbrzykowski then pointed a taser at § 87(2)(b) (**Allegation G – Force: Nonlethal restraining device, § 87(2)(g)**).

Sgt. Manney walked to the rooms at the back of the apartment and looked in several rooms for § 87(2)(b). Officers found § 87(2)(b) on the fire escape. § 87(2)(b) then escaped through another apartment and was arrested two blocks away.

Body-Worn Camera (BWC) footage was obtained (**Board Review 01-20**) and summarized (**Board Review 21-40**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Marventine Bazelais entered § 87(2)(b) § 87(2)(b) in Brooklyn.

It is undisputed that on August 18, 2019, at approximately 5:20p.m., PO Bazelais spoke to § 87(2)(b) and § 87(2)(b) at the door of § 87(2)(b) § 87(2)(b) in Brooklyn.

A Kings County criminal court complaint (Board Review 63) for the arrest of § 87(2)(b) contains the following narrative: § 87(2)(b)

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§ 87(2)(b)

In § 87(2)(b) statement (Board Review 41) to the CCRB, she stated that she had been inside of § 87(2)(b) when § 87(2)(b) entered and went to sleep in his bedroom. Approximately fifteen minutes later, there was a knock on the door and an individual stated it was the police. When § 87(2)(b) and § 87(2)(b) opened the door, she saw approximately 8-12 officers outside, including PO Bazelaïs. PO Bazelaïs asked § 87(2)(b) if § 87(2)(b) was home, and § 87(2)(b) responded that he was inside the apartment sleeping. PO Bazelaïs requested to enter the apartment. § 87(2)(b) informed PO Bazelaïs that he would need to show her a warrant before he entered. While the door was open, PO Bazelaïs placed his foot in the door.

In PO Bazelaïs' statement (Board Review 57) to the CCRB, he stated that he had received a call regarding a larceny in progress at Broadway and Marcy Avenue and a description of a male wearing a white shirt, blue shorts, and red and white sneakers. PO Bazelaïs made no mention that a weapon was used in the commission of the larceny. Once PO Bazelaïs arrived on scene, other individuals pointed out § 87(2)(b) who ran from the location. PO Bazelaïs stated that § 87(2)(b) fit the description given to him over the call. PO Bazelaïs pursued § 87(2)(b) initially with his vehicle and then on foot, but stated that he did not make any statements to § 87(2)(b) during this time. § 87(2)(b) entered § 87(2)(b) and closed the door behind him, which locked. PO Bazelaïs knocked on the door until a male opened the door. The male who opened the door told PO Bazelaïs that he saw § 87(2)(b) enter § 87(2)(b) and permitted PO Bazelaïs to enter. PO Bazelaïs believed that he later obtained the name of the male who provided him with the apartment number, though he did not know it at the time that he went to the residence. PO Bazelaïs approached § 87(2)(b) and knocked on the door. After § 87(2)(b) opened the door, PO Bazelaïs asked her if she saw § 87(2)(b) enter. § 87(2)(b) confirmed that he was inside but refused to let § 87(2)(b) come out and speak to PO Bazelaïs or to allow PO Bazelaïs to enter. Additionally, PO Bazelaïs visibly saw § 87(2)(b) at the back of the apartment at this time. PO Bazelaïs did not recall if he placed his foot in the door. PO Bazelaïs was shown his BWC video which showed § 87(2)(b) and § 87(2)(b) looking down while trying to close the door while PO Bazelaïs stated, "Don't push my foot in the door." PO Bazelaïs did not recall why he made that statement or why § 87(2)(b) was unable to close the door. According to PO Bazelaïs, he could have entered the apartment to arrest § 87(2)(b) based on the matching description of § 87(2)(b) and the statement from witness who saw him enter the apartment. PO Bazelaïs further stated that a warrantless entry could have been made based on hot pursuit.

PO Baez's BWC (Board Review 01) shows that immediately upon responding to the location, witnesses to the reported larceny make gestures and statements to inform her about the perpetrator's direction of flight. While PO Baez runs in the indicated direction, it is unclear from the BWC whether she sees the fleeing perpetrator and the BWC does not depict her making any statements to the perpetrator. Other BWC footage, including that of PO Bazelaïs, does not depict a prior pursuit of the perpetrator.

PO Baez's BWC shows that at approximately 5:19 p.m. in the native timestamp, an unidentified female officer informs PO Baez that the perpetrator ran into § 87(2)(b). PO Bazelaïs' BWC (Board Review 03) and PO Collins' BWC (Board Review 17) show they knocked on the apartment door at approximately 5:20 p.m. in the native timestamp. Assuming the clock is correct and synced with all the BWC videos, it appears that approximately one minute passed between the officers being informed of the alleged perpetrator's flight into the building and PO Bazelaïs arriving at the residence.

PO Bazelais' BWC video (Board Review 03) begins with PO Bazelais and PO Collins approaching a building door that is closed and locked. The doors press buttons on the intercom and at 01m29s into the recording, a male in a white shirt opens the door and states, "§ 87(2)(b)" to PO Bazelais. PO Bazelais then enters the building, walks up the stairs, and knocks on an apartment door. At 2m41sec, PO Bazelais begins to ask the residents of the apartment if there was a person who had entered, if he could speak with that person, and if the male could exit the apartment. The officers attempt to convince the occupants to have an individual identified by the investigation as § 87(2)(b) exit the apartment. § 87(2)(b) is not depicted in the footage. At 11m24s of the video timer, § 87(2)(b) and § 87(2)(b) are seen looking down at the floor while § 87(2)(b) states, "We're going to close the door." PO Bazelais is then heard stating, "Don't push my foot in the door." At 12m02 seconds, § 87(2)(b) looks down again and states, "Excuse me."

Event documentation (Board Review 62) shows that there were numerous calls to 911 by different individuals regarding this incident. At 5:15 p.m., an individual reported to 911 that a member of a civilian patrol was chasing a black male in a white tee-shirt in the vicinity of § 87(2)(b) that the black male was wanted for stealing, and that the black male had gone to the § 87(2)(b). At the same approximate time, another 911 caller reported that a black male wearing a white tee-shirt and grey pants had stolen a wallet. The caller did not know whether weapons were used. At 5:16 p.m., this caller reported that unspecified weapons were involved, and that he had been punched in the face.

While § 87(2)(b) and PO Bazelais provided conflicting statements regarding the entry into the apartment, BWC footage from PO Bazelais appear to indicate that the alleged action did occur. Given that the footage showed § 87(2)(b) and § 87(2)(b) looking toward the floor stating, "We're going to close the door," and, "Excuse me," multiple times, § 87(2)(b) being unable to close the door, and PO Bazelais' statement, "Don't push my foot in the door", the investigation determined that PO Bazelais did enter § 87(2)(b) by placing his foot in the door.

All parties agree that PO Bazelais was not in possession of a search or arrest warrant at the time he entered § 87(2)(b) § 87(2)(b) in Brooklyn. Further, all parties agree that the residents of § 87(2)(b) § 87(2)(b) did not consent to PO Bazelais entering the residence. In the absence of a warrant, the investigation must determine whether PO Bazelais' entry could be justified by one of the accepted exceptions to the search warrant requirement.

In order for an officer to enter and search a private residence of a suspect they are in the process of chasing; they must meet the requirements of the hot pursuit and exigent circumstances doctrine. This includes a clear showing of probable cause to believe that the suspect committed the crime, strong reason to believe the suspect is in the premises being entered, and an immediate or continuous pursuit of a suspect from the scene of a crime. Additionally, the arrest must be set in motion in a public place. People v. Hunter 92A.D.3d 1277 (Board Review 57)

In People v. McBride, 59 A.D.3d 151, the court analyzed a scenario where officers went to the home of an individual that they had probable cause to arrest for armed robbery (Board Review 61). The court determined that police may enter a home to effect an arrest without a warrant if they have probable cause and exigent circumstances. In analyzing the entry, the court noted the importance of the following factors: the violent nature of the underlying offense, the knowledge of the police that the defendant was armed, the presence of probable cause, and evidence suggestive of a dangerous and highly volatile situation.

§ 87(2)(g)

§ 87(2)(g) In his testimony to the CCRB, PO Bazelais admitted that he lost

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sight of § 87(2)(b) when § 87(2)(b) entered the building and closed the door behind him. PO Bazela's BWC footage shows that approximately 1:29 minutes passed between the time he approached the door and the time the door was opened. Further, according to PO Bazela's testimony, he learned where § 87(2)(b) had gone based upon the testimony of an individual who told him into which apartment § 87(2)(b) had fled, and there was no discussion between PO Bazela and the individual that might allow PO Bazela to establish the individual's basis of knowledge or confirm that the individual was identifying the location of the same person PO Bazela had been chasing. Finally, in his statement to the CCRB, PO Bazela affirmed that he made no statements to § 87(2)(b) as he ran, and BWC footage does not depict that PO Bazela, PO Baez, or other officer set in motion the arrest of § 87(2)(b) while § 87(2)(b) was in public.

§ 87(2)(g)

There is no indication that the perpetrator of the crime was in fact armed, nor was there any indication that PO Bazela believed that the perpetrator was armed as he made no mention of this factor during his CCRB statement. Additionally, while the Event documentation presents a confusing picture about whether force was used to commit the larceny, criminal court documentation shows that no force was used during the commission of the crime. Also, PO Bazela did not provide any testimony in which he stated that he believed that force had been used by the perpetrator or that force was a factor in his decision to place his foot in the door of the apartment. § 87(2)(g), PO Bazela's conversation with the residents as depicted by the BWC and described by PO McBride, was not dangerous or volatile. § 87(2)(g)

§ 87(2)(g)

Allegation (B) Abuse of Authority: Police Officer Toniann Groth threatened to arrest § 87(2)(b)

§ 87(2)(b):

Allegation (C) Abuse of Authority: Police Officer Toniann Groth threatened to arrest § 87(2)(b)

§ 87(2)(b):

Allegation (D) Abuse of Authority: Police Officer Toniann Groth threatened to arrest § 87(2)(b)

It is undisputed that on August 18, 2019, at approximately 5:20p.m., PO Groth made a statement about a potential arrest to § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) stated that after she told the officers that they would need a warrant to enter, PO Bazela repeatedly asked to enter while § 87(2)(b) repeatedly stated they needed a warrant. After a few minutes, PO Groth stated that if § 87(2)(b) did not allow the officers inside, everyone would be arrested.

In PO Collins' BWC footage (Board Review 04) at the 05m16s of the external timer of the footage, PO Groth can be heard stating, "So he can step out now and deal with it, or we're gonna come back and take the door with a warrant and you're all gonna go for whatever you guys have in the apartment. Do you really want grandma to go?" She then repeats the statement, "You're gonna go," three times. She then adds, "Everybody. Everybody's going to go."

PO Groth's BWC footage (Board Review 10) is 00m40s in length and only shows PO Groth walking up the stairs seconds prior to the entry of § 87(2)(b). The video did not capture the threats of arrest.

In PO Groth's statement (Board Review 42) to the CCRB, she stated that she recalled responding to the incident location, but not what occurred there. PO Groth did not recall telling civilians that she would arrest everyone if she had to return with a warrant. When presented with a photo of § 87(2)(b) PO Groth stated that she did not recall seeing her on the date of the incident. When PO Groth was presented with PO Collins BWC video footage of the incident, including the part where PO Groth made the above-noted statement regarding arrests, she confirmed that it was her voice on the footage.

According to § 87(2)(b) statement, PO Groth stated the three of them would be arrested if the officers were not permitted into the apartment. While PO Groth did not independently recall the statement, PO Collin's BWC footage shows PO Groth stating everyone would go if a warrant was obtained and if anything was found in the apartment.

In People v. Yoneyama, the court examined a case where an officer obtained a defendant's written and verbal permission to search a vehicle after the defendant disclosed the presence of drugs in his car and apartment. After his confession, an officer informed the defendant that if he did not consent to a search of the apartment, officers could obtain a search warrant and that the circumstances of the execution of the warrant could lead to the arrest of the defendant's father, who also lived in the apartment. The court held that the consent was not invalidated by the officer's advice to the defendant since the officer "had valid legal and factual grounds for making these statements, which were not threats to arrest [the] defendant's father, but warnings of a possible, less favorable alternative scenario." People v. Yoneyama, 128 A.D.3d 616 (Board Review 60).

In Yoneyama, the court determined that it was permissible for an officer to request permission to enter and search a location after informing the defendant that if consent was not provided, a search warrant would be obtained and that the execution of the warrant could lead to the arrest of another resident of the location. In Yoneyama, the officers were aware that the residence contained contraband due to voluntary, self-incriminating statements by the defendant. As such, the officer's statement constituted advice based upon valid, legal, and factual grounds and was not a threat to arrest. In contrast, PO Groth had no such belief about the presence of contraband. Although PO Groth attempted to couch the threat of arrest in a hypothetical, the hypothetical had no factual basis since there was no reason to believe that contraband was extant. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Sgt. Frederick Manney entered § 87(2)(b) § 87(2)(b) in Brooklyn.

Allegation (F) Abuse of Authority: Sergeant Frederick Manney searched § 87(2)(b) § 87(2)(b) in Brooklyn.

It is undisputed that on August 18, 2019, at approximately 5:00pm, Sgt. Manney entered and searched § 87(2)(b) § 87(2)(b) in Brooklyn. § 87(2)(b) statement and Sgt. Manney's BWC footage confirm the same account, namely that officers entered and solely searched the apartment for § 87(2)(b) § 87(2)(b) made no effort to search for contraband, and left after determining that § 87(2)(b) § 87(2)(b) fled the apartment building.

According to § 87(2)(b) statement, Sgt. Manney arrived at the location while she was speaking with PO Bazalais. Sgt. Manney argued with § 87(2)(b) § 87(2)(b) for approximately five minutes. He then gave the order to enter the apartment. Multiple officers followed PO Bazalais and Sgt. Manney into the apartment. § 87(2)(b)

§ 87(2)(b) did not provide any consent to the entry into the apartment. § 87(2)(b) stood in the hallway near the kitchen as officers entered the apartment.

In Sgt. Manney's statement (Board Review 44) to the CCRB, he stated that he received a radio call for a robbery at § 87(2)(b). When he reached the location, he saw multiple other officers in front of § 87(2)(b). Sgt. Manney did not remember the names of the officers, but he went up to PO Bazalais and spoke with him regarding the situation. PO Bazalais informed Sgt. Manney that a witness had seen the suspect of a robbery enter § 87(2)(b). After confirming this information with PO Bazalais multiple times, Sgt. Manney entered the apartment with PO Bazalais. Sgt. Manney stated that he did not instruct other officers to enter, but simply made a statement along the lines of, "We're going in." Multiple other officers followed Sgt. Manney inside behind him. Sgt. Manney searched the apartment for § 87(2)(b) and left after determining he fled the apartment.

In Sgt. Manney's BWC camera footage (Board Review 06), Sgt. Manney enters § 87(2)(b) and walks up to § 87(2)(b). Sgt. Manney walks to PO Bazalais, who informs Sgt. Manney that a witness saw a suspect they were after entering the apartment. At 00m49s of the external timer, Sgt. Manney confirms with PO Bazalais that a witness told him he saw the suspect enter the apartment. Sgt. Manney then states, "Let's go," and pushes PO Bazalais through the entrance of § 87(2)(b).

In order for an officer to enter and search a private residence of a suspect they are in the process of chasing; they must meet the requirements of the hot pursuit and exigent circumstances doctrine. This includes a clear showing of probable cause to believe that the suspect committed the crime, strong reason to believe the suspect is in the premises being entered, and an immediate or continuous pursuit of a suspect from the scene of a crime. People v. Hunter 92A.D.3d 1277.

In People v. McBride, 59 A.D.3d 151, the court analyzed a scenario where officers went to the home of an individual that they had probable cause to arrest for armed robbery (Board Review 61). The court determined that police may enter a home to effect an arrest without a warrant if they have probable cause and exigent circumstances. In analyzing the entry, the court noted the importance of the following factors: the violent nature of the underlying offense, the knowledge of the police that the defendant was armed, the presence of probable cause, and evidence suggestive of a dangerous and highly volatile situation.

Sgt. Manney's BWC footage shows Sgt. Manney confirming the details of the incident that led to the entry with PO Bazalais, specifically that PO Bazalais informed Sgt. Manney that he learned that § 87(2)(b) was in the residence pursuant to information provided to him by a witness. As per People v. Hunter, PO Bazalais would have needed an immediate or continuous pursuit of § 87(2)(b) from the scene of the crime. As discussed in Allegation A, PO Bazalais did not conduct a continuous pursuit of § 87(2)(b) because he only learned that § 87(2)(b) was in § 87(2)(b) because of a comment made by a witness where no steps were taken to verify that the witness was speaking about the same individual he had been pursuing. As a supervisor, Sgt. Manney should have understood that there was no continuous pursuit of § 87(2)(b) § 87(2)(g)

§ 87(2)(g). In his statement to the CCRB, Sgt. Manney did not provide testimony that he was aware of any additional factors – including information about the nature of the crime, knowledge about the presence of weapons, or evidence suggestive of a dangerous or volatile situation. § 87(2)(g)

§ 87(2)(g)

Allegation (G) Force: Police Officer Toniann Groth used physical force against § 87(2)(b)

Allegation (H) Force: Police Officer Michal Jalbrzykowski pointed a taser against § 87(2)(b)

In § 87(2)(b) statement, she stated that multiple officers entered the apartment following Sgt. Manney. § 87(2)(b) stepped toward the hallway near the kitchen but was still able to see everything that happened in the doorway. § 87(2)(b) stood in the hallway with her phone in her hand as officers walked past her. PO Groth entered the apartment and grabbed § 87(2)(b) in a bear hug. As PO Groth grabbed § 87(2)(b) PO Jalbrzykowski drew his taser and pointed it toward § 87(2)(b) stated that she saw a red dot on § 87(2)(b) body coming from the taser. Once § 87(2)(b) stated that § 87(2)(b) was pregnant, PO Jalbrzykowski holstered his taser and PO Groth removed § 87(2)(b)

§ 87(2)(b) missed two CCRB interview appointments and did not provide a statement to the CCRB. § 87(2)(b) did not respond to any calls or emails and did not provide any statements to the CCRB.

§ 87(2)(b) described the officer that grabbed § 87(2)(b) as a Hispanic female who was approximately 5'5" tall and had a chubby build. The investigation received officer pedigree sheets from PO Groth and PO Collins during the time of the interview. PO Groth's pedigree sheet listed her as a white female who was approximately 5'4" tall and approximately 200-pounds. PO Collin's pedigree sheet listed her as a white female who was 5'6" tall and approximately 130-pounds. Given this, the investigation determined PO Groth to be the subject officer in the above-mentioned allegation.

In PO Collins' BWC video, the entry of multiple officers was captured. At the 12m11s of the timer, officers can be seen walking past § 87(2)(b) to enter the apartment. The camera view is obstructed during the entrance due to low light and § 87(2)(b) and other officers in the way, but no physical interactions with § 87(2)(b) can be seen. § 87(2)(b) can be heard stating, "Tase me, go ahead," but no tasers or taser laser lights can be seen.

In PO Lorenzi's BWC video (Board Review 08), the entry of multiple officers was captured. At 00m26s of the external timer, officers are seen entering the apartment. The camera view is obstructed due to low light and other officers in the way, but no physical interactions can be seen with § 87(2)(b). No tasers or taser laser lights can be seen.

In Sgt. Manney's BWC video his entry into the apartment is captured. At 01m02s of the external timer, Sgt. Manney walks past § 87(2)(b). Sgt. Manney faces away from § 87(2)(b) and no physical interactions can be seen. § 87(2)(b) can be heard stating, "Tase me, go ahead," but no taser or taser laser lights can be seen.

In PO Jalbrzykowski's BWC video (Board Review 09), at approximately 00m39s, § 87(2)(b) is heard stating, "Tase me, go ahead." No taser laser lights are seen. At 00m50s, a laser light can be briefly seen against a curtain of a window.

In PO Groth's statement, she stated that she did not have any independent recollection of the incident. Video from PO Collin's BWC was shown to PO Groth. PO Groth stated that she did not remember this incident. PO Groth denied making any physical contact with anyone on this date. PO Groth did not take any action that would have required a Threat Resistance and Injury form to be completed. In the same segment of video played from PO Collins' BWC, § 87(2)(b) can be heard stating, "Go ahead. Tase me." PO Groth did not know what this statement was in reference to. PO Groth did not see any weapons or tasers being drawn on the date of the incident.

In PO Jalbrzykowski's statement to the CCRB (Board Review 55), PO Jalbrzykowski stated that he and multiple other officers entered the apartment. PO Jalbrzykowski did not recall if any officer grabbed § 87(2)(b). PO Jalbrzykowski did not draw or point his taser at § 87(2)(b). PO Jalbrzykowski did not see any other officer draw or point their taser at § 87(2)(b). PO Jalbrzykowski did not know if the light depicted in his BWC video belonged to a taser; he did not know what else this light could have belonged to.

In PO Collin's statement to the CCRB (Board Review 46), she stated that she responded to an assault in progress and followed a suspect to the apartment building. A witness saw the suspect enter the building and told PO Collin's that the suspect ran into § 87(2)(b). PO Collins and PO Bazelaïs went up to the apartment and attempted to speak to the suspect, but were prevented by § 87(2)(b), § 87(2)(b), and § 87(2)(b). After a few moments, Sgt. Manney arrived, spoke with PO Bazelaïs, and instructed everyone to enter. When officers began to enter, § 87(2)(b) began to scream and did not move from the entrance. PO Collins and other officers walked around § 87(2)(b) to enter. PO Collins denied physically touching or moving § 87(2)(b). PO Collins did not see any other officer take physical action against § 87(2)(b). PO Collins was presented with her BWC footage, where she confirmed she did not make physical contact with § 87(2)(b). PO Collins did not see any tasers drawn on the date of the incident. PO Collins did not see any taser laser lights on the date of the incident.

In PO Lorenzi's statement to the CCRB (Board Review 47), he responded to § 87(2)(b) because backup was requested. When he arrived, he saw PO Bazelaïs speaking to § 87(2)(b), § 87(2)(b), and § 87(2)(b) in front of the apartment door. PO Lorenzi waited there while they spoke until Sgt. Manney responded to the location. Sgt. Manney spoke to PO Bazelaïs and stated that it was hot pursuit and gave a verbal order to officers to go inside of the apartment. PO Lorenzi did not see any physical action taken against § 87(2)(b) during the entry. PO Lorenzi denied taking any physical action against § 87(2)(b). When PO Lorenzi was shown his BWC video, which depicted the entrance, he stated that there may have been some physical interaction with § 87(2)(b). PO Lorenzi stated that he did not see any officer draw a taser. PO Lorenzi did not see any taser laser lights during the incident.

In Sgt. Manney's statement, he stated that he walked past § 87(2)(b) in order to enter the apartment. Sgt. Manney recalled on civilian making physical contact with one officer but was unable to recall which officer and which civilian did so. When shown his BWC video footage, Sgt. Manney stated he did not see any officer draw a taser or any taser laser lights during the incident.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 48).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 50).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 49).
- PO Marventine Bazalais has been a member-of-service for 5 years and has been a subject in 1 CCRB complaint and 1 allegation, which was not substantiated. § 87(2)(g)
- Sgt. Frederick Manney has been a member-of-service for 9 years and has been a subject in 6 CCRB complaints and 16 allegations, none of which were substantiated. § 87(2)(g)
- PO Toniann Groth has been a member-of-service for 5 years and has been a subject in 1 CCRB complaint and 1 allegation, none of which were substantiated. § 87(2)(g)
- PO Michal Jalbrzykowski has been a member-of-service for 5 years and has been a subject in 4 CCRB complaints and 6 allegations, of which 2 were substantiated.
 - 201807314 had 2 substantiated allegations of verbal discourtesy against PO Jalbrzykowski. The Board recommended Command Discipline B and the NYPD imposed Command Level Instructions.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of November 9, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 56).
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

Squad No.: 12

Investigator:	<u>Shadman Khan</u>	<u>Investigator Shadman Khan</u>	<u>July 21, 2021</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Carlmais Johnson</u>	<u>IM Carlmais Johnson</u>	<u>July 26, 2021</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
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CCRB Case # 201907401

Signature

Print Title & Name

Date